REMARKS

Claims 1-10 are pending. Claims 9 and 10 are allowable subject to being rewritten in independent form.

Claims 1-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al.

In response to the Applicant's arguments that the Examiner has failed to follow the recent Examination Guidelines for Determining Obviousness, the Examiner presented unclear statement that "Examiner's conclusion of obviousness is based upon improper hindsight reasoning..."

Further, the Examiner presented arguments against Applicant's position that the claimed subject matter is not obvious over Cheng et al. It is respectfully submitted that the Examiner's arguments are not warranted.

In particular, the apparatus independent claim 5 recites a transceiver for providing data communications over residential twisted pair wiring, comprising:

- an output driver having an output for supplying a transmit signal of a prescribed level to the residential twisted pair wiring, and

- an output drive control system for comparing a DC level set at the output of the output driver with a predetermined threshold signal to control the output driver so as to maintain the transmit signal at the prescribed level.

The Examiner considers control circuit 113 (FIG. 1B) or control logic 201 (FIG. 2) of Cheng to correspond to the claimed output drive control system.

However, the Cheng controllers do not compare a DC level set at the output of the output driver with a predetermined threshold signal to control the output driver so as to maintain the transmit signal at the prescribed level.

Moreover, the Examiner admits that Cheng does not disclose a comparator for comparing voltage levels with a predetermined signal.

However, the Examiner contends that "it is obvious ... that the controller of Chang to have (sic) a comparator for generating the high and low lower to accommodate two modes of operation (see figs. 4A and 4B and col. 8) at the time the invention was made" (see page 3 of the Office Action).

In the response to Applicant's arguments demonstrating that the Examiner has failed to establish a case of obviousness under 35 U.S.C. 103, the "Examiner agreed that Cheng et al. does not show that the controller controlling the power level by comparing with the threshold level" (page 4 of the Office Action).

The Examiner noted that Cheng shows a feed forward technique for controlling the modes of the driver, i.e. the controller 201 controls the driver directly. Further the Examiner states that "the final output, whether using a feed back as claimed or feedforward as in the case in the teaching of Cheng (sic), a controlled line driver according to the signal level (sic)." (the sentence bridging pages 4 and 5 of the Office Action).

It is respectfully submitted that this argument is not clear. However, it appears that the Examiner believes that the Cheng control system is equivalent to the claimed system.

Considering the reference, Cheng discloses a transmitter circuit (FIG. 2) having a control logic 201 that controls a front-end Digital to Analog Converter (DAC) 203 and an intermediate DAC 205.

The reference does not disclose that the control logic 201 compares a DC level set at the output of the output driver with a predetermined threshold signal to control the output driver so as to maintain the transmit signal at the prescribed level.

Instead, the registers 201a in the control logic 201 store the necessary bit pattern, which indicates whether the transmitter should operate in a lower power mode or in a higher power mode (col. 4, lines 35-40).

The Examiner indicates that "it is obvious that the comparator should have an upper and lower limit (claimed threshold signal) in order the driver (sic) to drive the output signal in each mode of operation – first and second power modes." (see page 4 of the Office Action).

However, as demonstrated above, the power mode is selected based on a bit pattern. As disclosed in Chen, "a pattern of 0001011 may signify a low power mode, and a 0010110 pattern indicates a high power mode." (col. 4, lines 37-39).

Accordingly, one skilled in the art would realize that the control logic 201 of Chen does not need threshold levels in order to drive the output signal, as the Examiner contends.

Therefore, the Examiner's conclusion of obviousness is not warranted.

In accordance with the recent Guidelines for Determining Obviousness, the key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reasons why the claimed invention would have been obvious.

As demonstrated above, the Examiner has failed to clearly articulate why the claimed subject matter would have been obvious over Chen.

Further, claim 1 recites a method of configuring a transceiver having an output driver for driving an output terminal to provide data transmission via residential twisted pair wiring, the method comprising the steps of:

setting a DC level at the output terminal for supplying a transmit signal of a prescribed level to the residential twisted pair wiring,

comparing a controlled value representing the DC level with a predetermined threshold level, and

controlling the output driver until the controlled value is equal to the threshold level.

The Examiner has failed to point out specifically wherein Cheng discloses the claimed steps.

Howeve r, it is respectfully submitted that the reference does not disclose:

-setting a DC level at the output terminal for supplying a transmit signal of a prescribed level to the residential twisted pair wiring,

-comparing a controlled value representing the DC level with a predetermined threshold level, and

-controlling the output driver until the controlled value is equal to the threshold level, as claim 1 recites.

Claims 2-4 and 6-8 are defined over the prior art at least for the reasons presented above in connection with claims 1 and 5.

In view of the foregoing, and in summary, claims 1-10 are considered to be in condition for allowance. Favorable reconsideration of this application is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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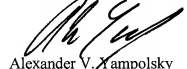

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